

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DANIEL F. CARDARELLI,
Plaintiff,

v.

**THE MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY,
et al.,**
Defendants.

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C.A. No.: 09-11253-RGS

**DEFENDANT THOMAS O'LOUGHLIN'S MOTION TO DISMISS AND MOTION TO
JOIN IN MOTION TO DISMISS FILED BY THE MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY, ET AL.**

Now comes defendant Thomas O'Loughlin (hereafter and throughout the supporting material referred to as "O'Loughlin"), by and through his undersigned counsel and pursuant to Rule 12 (b) (6) of the Federal Rules of Civil Procedure, and moves this Court to dismiss the complaint in the above-captioned matter insofar as it seeks to advance claims against him. In addition, O'Loughlin also seeks to join, to the extent applicable to analysis of the claims advanced against O'Loughlin, the motion to dismiss previously filed on behalf of the Massachusetts Bay Transportation Authority, et al. As the basis for this request for brevis disposition, O'Loughlin respectfully refers the Court to the accompanying memorandum of law in support of this motion.

DEFENDANT THOMAS O'LOUGHLIN,
By his attorneys,

/s/ Andrew J. Gambaccini
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Dated: October 9, 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing, filed through the Electronic Case Filing System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that a paper copy shall be served upon those indicated as non-registered participants on October 9, 2009.

/s/ Andrew J. Gambaccini
Andrew J. Gambaccini